

REMARKS

This Amendment is being filed in response to the Office Action mailed May 14, 2010, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1, 3-7, 9-10, 13-18, 20-22 and 24-26 are pending in this application, where claims 2, 8 and 11-12 had been previously canceled without prejudice, claims 19 and 23 have been currently canceled without prejudice, and claims 25-26 have been currently added. Claims 1 and 9 are independent.

In the Office Action, claim 1 is rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2003/0189668 (Newnam). Further, claim 3 is rejected under 35 U.S.C. §103(a) over Newnam. Claims 4 and 5 are rejected under 35 U.S.C. §103(a) over Newnam. Claim 6 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 7 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 9 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 10 is rejected under 35 U.S.C. §103(a) over Newnam. Claims 13-14 are rejected under 35 U.S.C. §103(a) over Newnam. Claim 15 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 16 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 17 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 18 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 19 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 20 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 21 is

rejected under 35 U.S.C. §103(a) over Newnam. Claim 22 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 23 is rejected under 35 U.S.C. §103(a) over Newnam. Claim 24 is rejected under 35 U.S.C. §103(a) over Newnam. These rejections are respectfully traversed. It is respectfully submitted that claims 1, 3-7, 9-10, 13-18, 20-22 and 24-26 are allowable over Newnam for at least the following reasons.

Newnam is directed to a synchronization system for coordinating interactive content provided in a broadcast signal of an interactive television (ITV) program. As specifically recited in paragraph [0009] of Newnam, the Newnam system is concerned with automation of "insertion of interactive content or triggers into the broadcast stream at the appropriate time as it is broadcast." (Newnam, paragraph [0009], lines 5-6; emphasis added) Thus, any playback device, such as a television (TV) or set top box that receives the broadcast for playback thereof, receives a stream having triggers or events inserted therein. "This viewer-driven ITV content can be incorporated in the TV programming in an automated manner using equipment in the broadcast facility." (Newnam, paragraph [0013], lines 9-11; emphasis added) Thus, any playback device receiving such a stream with inserted events, will receive the event or trigger from the TV programming or the video stream, exactly as described in the present application discussing conventional devices.

In Newnam, information from a playlist is not retrieved by the playback device, but rather such information is retrieved by ITV system to incorporate ITV content in the TV content. That is, Newnam is concerned with automating synchronization between ITV

content (from ITV producers) and TV content (from TV producers) where it is the ITV system, and NOT the playback device, that retrieves information from a playlist. Once the ITV system retrieves information from the playlist, this information is inserted "into the broadcast stream at the appropriate time as it is broadcast" for reception and display by a set top box/TV. (Newnam, paragraph [0009], lines 5-6; emphasis added)

Further, paragraph [0034] of Newnam describes that it is the synchronization application 500 of the broadcast server system 300, and NOT the playback device, that "retrieves information such as start times and an identification (ID) of the events from a playlist ." (Newnam, paragraph [0034], lines 1-3; see also FIG 3) Further as shown in FIG 3, a trigger insertion application 600 of the broadcast server system 300 "receives data from the ITV server system 200 based on the information that ITV server system 200 has received from the synchronization application 500." (Newnam, paragraph [0038], lines 1-4

In summary, Newnam imbeds triggers based on information retrieved from a playlist. (See Newnam, paragraph [0012], lines 13-15) However, the triggers from the playlist are inserted in the TV programming or video stream "using equipment in the broadcast facility." (Newnam, paragraph [0013], line 11; emphasis added)

It is respectfully submitted that Newnam does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 9 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the playlist is not included in the data stream, and the event information is changeable without changing the data stream, wherein the processor of the playback device retrieves the event information from the playlist and only provides the event information to the application when the processor determines that playback of the data stream reached a point in the data stream corresponding to the event information in the playlist.

A processor of the playback device that retrieves the event information from the playlist, and only provides the event information to the application when the processor determines that playback of the data stream reached a point in the data stream corresponding to the event information in the playlist, is nowhere disclosed or suggested in Newnam. Rather, it is the broadcast server system 300 of Newnam, and not any playback device, that retrieves information from a playlist and inserts triggers in the TV programming or video stream so that a playback device can retrieve the triggers from the TV programming or video stream.

Accordingly, it is respectfully submitted that independent claims 1 and 9 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3-7, 10, 13-18, 20-22 and 24-26 should also be allowed at least based on their dependence from independent claims 1 and 9.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented

remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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August 2, 2010

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